REMARKS

Claims 17-61 are pending in the present application. In the Office Action dated May 20, 2005, claims 17-55 were rejected under the judicially create doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,468,453 B1. Claim 18 was objected to because of the following informality. The second occurrence of the limitations "the full length of" should be deleted on line 3 of claim 18. Claims 19, 25 and 32 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claim 17, 18 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,962,941 to Kober ("Kober") in view of U.S. Patent No. 4,580,374 to Quinnell ("Quinnell"). Claims 20-22 and 33-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kober in view of Quinnell and U.S. Patent No. 4,246,815 to Hugo ("Hugo") when taken in view of the applicants' admitted prior art. Claims 23 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kober in view of Quinnell and U.S. Patent No. 4,985,119 to Vinson et al. (Vinson). Claims 26-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kober in view of Quinnell, Vinson and Hugo when taken in view of the applicants' admitted prior art.

The embodiments disclosed in the present application will now be discussed in comparison to the cited references. Of course, the discussion of the disclosed embodiments, and the discussion of the differences between the disclosed embodiments and the cited references, does not define the scope or interpretation of any of the claims. Instead, such discussed differences merely help the Examiner appreciate important claim distinctions discussed thereafter.

According to one embodiment, a method of forming a plurality of holes in a fiber-cement panel is disclosed. A fiber-cement panel having a length, width, and thickness is provided. The fiber-cement panel is placed between a support assembly and a punch assembly. The support assembly includes a support plate having a plurality of holes having a first cross-sectional dimension. The punch assembly includes a plurality of punches having a second cross-sectional dimension less than the first cross-sectional dimension. An actuator drives the punches of the punch assembly into the fiber-cement panel until the punches penetrate through at

least a portion of the fiber-cement panel to form a plurality of holes. As the punches are driven along a stroke path, a plurality of biasing elements may be compressed against the fiber-cement panel as the punches penetrate the fiber-cement panel. The pressing of the compressible biasing elements against the fiber-cement panel in combination with the punch/hole clearance enables withdrawing the punches from the fiber-cement panel without delaminating portions adjacent the openings punched in the fiber-cement panel. For example, in some embodiments the clearance between the holes in the support plate and punches is approximately between 0.04-0.07 inches. In another embodiment, the clearance between the holes in the support plate and punches is approximately between 4%-40% of a thickness of the fiber-cement panel.

In the Office Action, the Examiner cited Hugo for purportedly disclosing a radial punch/hole clearance between the punches and holes disclosed in Applicants' embodiments. For example, on Page 10 of the Office Action dated May 20, 2005, the Examiner has relied on inaccurate measurements of the figures of Hugo to purportedly teach specific radial punch/hole clearance dimensions. However, the Manual of Patent Examining Procedure makes it clear that "[i]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to shown particular sizes if the specification is completely silent on the issue." M.P.E.P. § 2125. In this case, the Examiner has impermissibly relied on relative measurements taken from the drawings in Hugo to purportedly show particular radial punch/hole clearances between the punches and the die when the written description of Hugo is silent on the particular dimensions.

Therefore, the rejection of dependent claims 20-22, 26-28, 33-35, 41, 45-47, and 52-55 that recite specific limitations directed to the clearance between the punches and the holes in the support plate are not disclosed or fairly suggested by Hugo or the other cited references. Accordingly, the rejection of these claims is improper for at least this reason.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:
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